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OFFICE OF PETITIONS

In re Application of
Robert W. BROCIA
Application No. 09/005,711
Filed: 01/12/1998
Attorney Docket No. 527832000300

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DECISION
ON PETITION
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed October 20, 2003, to revive the above-identified application.

The petition is **GRANTED**.

THE TWO MONTH PERIOD FOR FILING THE APPEAL BRIEF IN TRIPLICATE, ALONG WITH THE FEE REQUIRED BY LAW, STARTS WITH THIS MAILING. EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Petitioner has met the requirements for filing a grantable petition under 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$475.00 extension of time submitted with the petition on October 20, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account 03-1952.

Telephone inquiries concerning this decision should be directed to Marlon Fletcher at (703) 305-4066 or, in his absence to the undersigned at (703) 308-3865.

The application file is being forwarded to Technology Center 1600 to await petitioner's brief on appeal.

BethAnne Dayoan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy